

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/773,508 Confirmation No. 6546  
Applicant : Richard S. Ginn  
Filing Date : February 5, 2004  
Title : Apparatus and Methods for Treating Spinal Discs  
Group Art Unit : 3738  
Examiner : Ann M. Schillinger  
Docket No. : 15457.4018  
Customer No. : 34313

Mail Stop Amendment FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER**

Sir:

I, James W. Geriak, represent that I am an attorney of record for the above-identified application. I am authorized to sign this Terminal Disclaimer on behalf of Gateway Medical Inc.. I certify that Gateway Medical, Inc. owns the entire interest in the above-identified application and invention by virtue of an assignment from the inventors to Gateway Medical, Inc. recorded in the Patent and Trademark Office at Reel 017344, Frame 0553. I have reviewed all the documents in the chain of title of this patent application and, to the best of my knowledge and belief, title and the entire interest of this patent application is held by Gateway Medical, Inc.

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CERTIFICATE OF MAILING  
37 CFR §1.8

I hereby certify, pursuant to 37 CFR §1.8, that I have reasonable basis to expect that that this paper or fee (along with any referred to as being attached or enclosed) is being electronically transmitted to the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22315-1450.

Dated: August 2, 2007

  
Lynne Fulmer

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Gateway Medical, Inc. hereby disclaims the terminal part of any patent granted on the above-identified application that would extend beyond the statutory expiration date of U.S. Patent No. 6,736,815. Gateway Medical, Inc. is the owner of U.S. Patent No. 6,736,815 (Application Serial No. 09/947,785) by virtue of assignment from the inventors to Gateway Medical, Inc.

Moreover, Gateway Medical, Inc. hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,736,815, this agreement to run with any patent granted on the above-identified application and to be binding upon Gateway Medical, Inc., its successors, or assigns.

Gateway Medical, Inc. does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,736,815 (Application Serial No. 09/947,785), in the event that this patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.312(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

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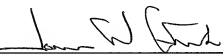
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Dated: August 1, 2007

Respectfully submitted,  
ORRICK, HERRINGTON & SUTCLIFFE LLP

By:   
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